



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

MAR 20 2015

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-084

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

**WARNING LETTER**

Mr. Tom Hendrickson  
Plant Manager  
Foster Poultry Farms  
1700 South 13th Street  
Kelso, Washington 98626

Re: Inspection of Risk Management Program (RMP)  
Foster Farms Kelso Poultry Plant  
EPA RMP Facility ID# 1000 0012 7294

Dear Mr. Hendrickson:

On **July 18, 2013**, the U.S. Environmental Protection Agency (EPA) conducted an inspection of the Foster Farms Kelso Poultry Plant (Foster Farms) located at 1700 South 13th Street, Kelso, Washington. The purpose of the inspection was to evaluate compliance with Section 112(r) of the Clean Air Act also known as the Risk Management Program (RMP). The RMP inspection was conducted pursuant to the authorities under Section 112(r) and Section 114 of the Clean Air Act. Listed below are the areas of concern identified by EPA:

1. **Process Safety Information requirement:** Foster Farms failed to document the maximum intended inventory calculations as required by 40 C.F.R. § 68.65(c)(1)(iii). In a letter dated November 5, 2001, from PermaCold Engineering, Inc., the ammonia system charge was confirmed to be 22,790 pounds in May 1999 after adding the spiral freezer by using invoices on ammonia charges from ammonia suppliers such as Western Farm Services, Inc., and MultiFrost Ltd. A PermaCold Engineering, Inc. letter dated February 17, 2012, stated the inventory of ammonia was reduced to 21,525 pounds after process equipment was removed in 2002 without providing calculations. A document dated February 6, 2013, from Hill Brothers Chemical Co. stated an ammonia charge of 6,311 pounds to the refrigeration system due to equipment removal and pressure relief valve changes. Foster Farms must provide anhydrous ammonia inventory calculations on the inventory reported in their March 9, 2012 RMP submission.
2. **Process Safety Information requirement:** Foster Farms failed to document the process safety information for the equipment in the process, specifically, the materials of construction as required under 40 C.F.R. § 68.65(d)(1)(i). The PermaCold Engineering, Inc. letter dated February 22, 2012, provides general information on the standards, but does not provide information on the materials of construction for process equipment.

3. **Process Safety Information requirement:** Foster Farms failed to document the process safety information for the equipment in the process, specifically, the safety systems as required under 40 C.F.R. § 68.65(d)(1)(viii). During the inspection, EPA observed that the Facility Standard Operating Procedure (SOP) Section 3.3, pages 15-16, Engineering Controls, identified the safety systems, but this information was not referenced in the Process Safety Information (PSI) document.
4. **Process Safety Information requirement:** Foster Farms failed to document that the equipment complies with recognized and generally accepted good engineering practices as required under 40 C.F.R. § 68.65(d)(2). The PermaCold Engineering, Inc. letter dated February 22, 2012, states the refrigeration system installed in 1999 complies with the design and codes standards. In addition, Foster Farms must document that the information provided by PermaCold Engineering, Inc., for refrigeration process equipment complies with recognized and generally accepted good engineering practices.
5. **Operating Procedures requirement:** Foster Farms' operating procedures failed to address the safety systems and their functions as required under 40 C.F.R. § 68.69(a)(4). Foster Farms was unable to produce documentation on the safety systems and their functions for the ammonia refrigeration system.
6. **Training requirement:** Foster Farms failed to document the initial training showing the emphasis on safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks as required by 40 C.F.R. § 68.71(a)(1). On June 27, 2014, Foster Farms provided the following training documentation on their operators addressing safety and health hazards such as Cal OES Certificate of Training for 8 Hr Hazardous Materials Course, Industry Technician Refresher; Certificate of Completion of Training for HAZMAT Technicians and Incident Commanders; and Certificates on Hazardous Waste Worker, Hazardous Waste Operations, or Hazardous Waste Awareness. Foster Farms was unable to produce training documentation on emergency response operations procedures including shutdown and safe work practices for their operators.
7. **Mechanical Integrity:** Foster Farms failed to follow recognized and generally accepted good engineering practices for inspections and testing procedures for piping as required under 40 C.F.R. § 68.73(d)(2). During the inspection, Foster Farms was unable to produce documentation on the method of non-destructive inspection testing procedures being followed as an industry standard for the piping.

Please provide the documentation to substantiate that the areas of concern listed above have been corrected. A copy of the documents must be sent to Javier Morales, RMP Coordinator, within 14 days of your receipt of this letter. The documents may be sent via e-mail, fax or mail.

Javier Morales, RMP Coordinator  
U.S. EPA Region 10  
1200 Sixth Avenue, Suite 900, OCE-084  
Seattle, WA 98101  
Fax: (206) 553-0124

Please refer to the document *General Risk Management Program Guidance* for additional information pertaining to the areas of concern addressed above. This guidance document can be found on EPA's website at:

[http://www.epa.gov/emergencies/content/rmp/rmp\\_guidance.htm#General](http://www.epa.gov/emergencies/content/rmp/rmp_guidance.htm#General)

We urge you to take the steps necessary to address these concerns and to ensure that all aspects of your operation are conducted in accordance with all applicable federal, state, and local requirements. If in the future, additional violations are identified and/or corrections to the identified concerns are not made, EPA may proceed with enforcement action. If you have any questions about the inspection or the Risk Management Program, please contact Javier Morales, RMP Coordinator, at (206) 553-1255 or [morales.javier@epa.gov](mailto:morales.javier@epa.gov).

Sincerely,



Kelly McFadden, Manager  
Pesticides and Toxics Unit